

Applicant or Patentee: Kent J. Sieffert et al.

Serial or Patent No.: 09/346,063

Filed or Issued: July 1, 1999

For: WEB-BASED INFOMEDIARY FOR INTELLECTUAL PROPERTY TRANSFER

ATTORNEY DOCKET NO. 10792/004001 #4

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: NetShadow, Inc.

Address of Small Business Concern: 287 East 6th Street, Suite 615, St. Paul, MN 55101

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND SYSTEM FOR GATHERING INFORMATION RESIDENT ON GLOBAL COMPUTER NETWORKS by inventor(s) Kent J. Sieffert and Steven W. Lundberg described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/346,063, filed July 1, 1999.  
☐ patent no. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Kent J. Sieffert

Title: President

Address: 287 East 6th Street, Suite 615, St. Paul, MN 55101

Signature: Kent J. Sieffert Date: 9/16/99

#3



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled WEB-BASED INFOMEDIARY FOR INTELLECTUAL PROPERTY TRANSFER, the specification of which

☐ is attached hereto.

☒ was filed on July 1, 1999 as Application Serial No. 09/346,063 and was amended on \_\_\_\_\_.

☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Steven J. Shumaker, Reg. No. 36,275;  
Dorothy P. Whelan, Reg. No. 33,814; Mark S. Ellinger, Reg. No. 34,812; Richard J. Anderson, Reg. No. 36,732;  
Ronald C. Lundquist, Reg. No. 37,875; John A. Dragseth, Reg. No. 42,497; H. Sanders Gwin, Jr., Reg. No.  
33,242; J. Patrick Finn, Reg. No. 44,109; Jon Powers, Reg. No. 43,868; Ruffin B. Cordell, Reg. No. 33,487; and  
John C. Phillips, Reg. No. 35,322.

Address all telephone calls to Steven J. Shumaker at telephone number 612/335-5070.

Address all correspondence to Steven J. Shumaker, Fish & Richardson P.C., 60 South Sixth Street,  
Suite 3300, Minneapolis, MN 55402.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Kent J. Sieffert

Inventor's Signature: Kent J. Sieffert Date: 9/16/99

Residence Address: 8894 Pheasant Run Road, Woodbury, MN 55125

Citizen of: United States

Post Office Address: 8894 Pheasant Run Road, Woodbury, MN 55125

**COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED**

Full Name of Inventor: Steven W. Lundberg

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: 4611 Wooddale Drive, Edina, MN 55424

Citizen of: United States

Post Office Address: 4611 Wooddale Drive, Edina, MN 55424

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Attorney Docket No. 10792/004001

SCHWEGMAN, LUNDBERG, WOESSNER &amp; KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: WEB-BASED INFOMEDIARY FOR INTELLECTUAL PROPERTY TRANSFER.

The specification of which was filed on July 1, 1999 as application serial no. 09/346,063.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

Attorney Docket No.: 10792/004001  
 Serial No. 09/346,063  
 Filing Date: July 1, 1999

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adams, Gregory J.	Reg. No. 44,494	Huebsch, Joseph C.	Reg. No. 42,673	Nelson, Albin J.	Reg. No. 28,650
Anglin, J. Michael	Reg. No. 24,916	Jurkovich, Patti J.	Reg. No. 44,813	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Oh, Allen J.	Reg. No. 42,047
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Parker, J. Kevin	Reg. No. 33,024
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Peacock, Gregg A.	Reg. No. 45,001
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Perdok, Monique M.	Reg. No. 42,989
Brooks, Edward J., III	Reg. No. 40,925	Leffert, Thomas W.	Reg. No. 40,697	Polglaze, Daniel J.	Reg. No. 39,801
Chu, Dinh C.P.	Reg. No. 41,676	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Clark, Barbara J.	Reg. No. 38,107	Litman, Mark A.	Reg. No. 26,390	Schumm, Sherry W.	Reg. No. 39,422
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Schwegman, Micheal L.	Reg. No. 25,816
Drake, Eduardo E.	Reg. No. 40,594	Mack, Lisa K.	Reg. No. 42,825	Slifer, Russell D.	Reg. No. 39,838
Eliseeva, Maria M.	Reg. No. 43,328	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. P-45,368
Embretson, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fogg, David N.	Reg. No. 35,138	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordebacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Viksmins, Ann S.	Reg. No. 37,748
Forrest, Bradley A.	Reg. No. 30,837	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Harris, Robert J.	Reg. No. 37,346				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Kent J. Sieffert**  
 Citizenship: **United States of America**  
 Post Office Address: **8894 Pheasant Run Road**  
**Woodbury, MN 55125**

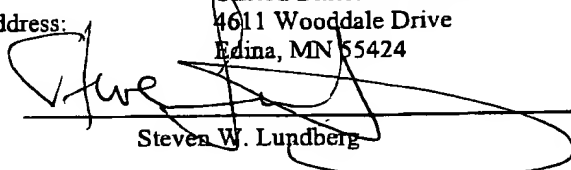
Residence: **Woodbury, MN**

Signature: \_\_\_\_\_  
**Kent J. Sieffert**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Steven W. Lundberg**  
 Citizenship: **United States of America**  
 Post Office Address: **4611 Wooddale Drive**  
**Edina, MN 55424**

Residence: **Edina, MN**

Signature:   
**Steven W. Lundberg**

Date: **11/30/99**

Additional inventors are being named on separately numbered sheets, attached hereto.

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Serial No. 09/346,063  
Filing Date: July 1, 1999

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.